

# **COUNTY OF YORK**

## **MEMORANDUM**

**DATE:** March 28, 2003 (PC Mtg. 4/9/03)

**TO:** York County Planning Commission

**FROM:** Timothy C. Cross, AICP, Principal Planner

**SUBJECT:** Application No. SW-3-03, Falcon Crest Homeowners Association

### **ISSUE**

This application is a request, pursuant to Section 20.5-92(c)(6) of the York County Subdivision Ordinance, to waive the Subdivision Ordinance requirement for a street interconnection as part of a Development Plan for Edgehill Section 4. According to the plan, Edgehill Lane (Route 1213) in the Edgehill subdivision would be extended from its present terminus approximately 1,075 feet north of the intersection of Edgehill Lane and Nelson District Road (Route 1212) to connect with Runaway Lane (Route 1175) in the Falcon Crest subdivision approximately 790 feet southeast of the intersection of Runaway Lane and Siege Lane (Route 1249). The property is zoned R20 (Medium-density single-family residential), and the proposed 8-lot single-family residential subdivision is permitted as a matter of right.

### **BACKGROUND**

Section 15.2-2241 of the Code of Virginia mandates that local subdivision ordinances contain provisions for the “coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area...” and “...with existing or planned streets in existing or future adjacent or contiguous to adjacent subdivisions.” In accordance with this requirement, Section 20.5-92 of the Subdivision Ordinance states that “all proposed streets shall be designed to coordinate with other existing or planned streets contiguous to or within the general area of the subdivision or within existing or future adjacent subdivisions as to location, width, grades, and drainage” and that “adequate rights-of-way [be] platted and dedicated for public use to the boundary line(s) of the subdivision which will afford desirable and safe street access to adjoining properties when such properties are of a compatible land use designation.” In such cases, the right-of-way must be labeled on the subdivision plat as a "Future Public Street" or "Future Public Street Extension" as appropriate along with a notation that the “right-of-way is platted with the intent of being extended and continued in order to provide ingress and egress to and from adjoining properties.” In addition, a similar statement must be included on the conveyance documents for any lot on a stub or future street. Wherever a street right-of-way in an existing subdivision has been platted to the boundary line of a proposed subdivision, Section 20.5-92(c) of the Subdivision Ordinance requires that it be extended and continued into the proposed subdivision unless the extension is specifically precluded by an approval by the Board of Supervisors of a planned development, or unless a waiver is granted by the Subdivision Agent after review by the Virginia Department of Transportation (VDOT). In granting a waiver, the Subdivision Agent must find either that the “extension would cause or contribute to a safety deficiency which could not be corrected in a practical or economically efficient

manner as determined by the agent” or that “the street right-of-way in the existing subdivision, although platted, has not had a street constructed within it, is not contained in the comprehensive plan, and it is unlikely that, in the foreseeable future, such a street will be so constructed.” Where a waiver is requested, the developer is required to submit a traffic operations and safety analysis to be used by the Subdivision Agent in determining whether to require interconnection or to grant a waiver. If the waiver is denied, the developer can appeal the Subdivision Agent’s decision to the Planning Commission, which, after conducting a public hearing and upon reaching one of the two findings mentioned above, may affirm or overturn the decision.

Edgehill Section L was platted on October 18, 1978. The plat depicts Edgehill Lane as a 50-foot right-of-way to the northern property line. This was long before the Subdivision Ordinance required the plat notation described above; however, the subdivision plat does include a notation that “temporary turnaround easements to revert to adjacent property owner’s [*sic*] when street is extended.” In other words, the two semi-circular areas on either side of the right-of-way, which are currently part of the temporary cul-de-sac at the end of Edgehill Lane, will become part of the adjacent lots when the road is extended and the cul-de-sac eliminated.

The Falcon Crest subdivision was platted on June 30, 1993, also before the Subdivision Ordinance required the "Future Public Street" plat notation. However, the subdivision plat does depict a fifty-foot (50') street right-of-way extending from Runaway Lane (between 114 and 118 Runaway Lane) to the southwestern property line of the subdivision.

A Preliminary Plan for Edgehill Section 4 was submitted to the County in 1996. The plan depicted an 8-lot subdivision along Edgehill Lane, which would be extended to connect with Runaway Lane in Falcon Crest. The developer also submitted a traffic study in support of the proposed interconnection. The County notified both homeowners’ associations and all adjacent property owners in both subdivisions of the proposed interconnection and their right to appeal. Nobody appealed the decision to allow the interconnection, and the Preliminary Plan was approved on November 25, 1996.

The developer submitted a new development plan for the project in December 2001, subsequent revisions of which were submitted in April and December 2002. Like the original plan, the plan that is currently under review by the County provides for the extension of existing Edgehill Lane to connect with Runaway Lane. Although not explicitly required, the County once again notified the adjacent property owners in January 2003. This time the Falcon Crest Homeowners Association has elected to seek a waiver of the interconnection requirement. In support of this application, the Association has submitted a petition (copy attached) signed by residents of 21 households in Falcon Crest and approximately 21 households in Edgehill. Approval of the Development Plan is currently being held in abeyance pending the outcome of this application.

## **CONSIDERATIONS/CONCLUSIONS**

1. In the 1991 Comprehensive Plan, Transportation Objective Number A.6 for roadways was to “Promote the interconnection of subdivision street systems to allow local movement without the necessity of utilizing collector and arterial roads and to aid in the provision of services to the lots within the subdivisions.” Implementation Strategy Number B.23c was to “update the County’s development regulations and ordinances to include requirements that,” among other things, “(i)nterconnect subdivision streets between compatible land uses to allow movement without use of collector and arterial roads provided that such interconnection can be done safely.” The need for interconnected streets was re-affirmed in the 1999 Comprehensive Plan update; Transportation Strategy 8.8 is to “Require the interconnection of subdivision street systems for use by bicyclists, pedestrians, emergency vehicles, and – where such interconnection will not encourage ‘cut-through’ traffic by people living outside the subdivisions – automobiles.”
2. The benefits of interconnected streets are well documented. As noted by Randall Arendt in Conservation Design for Subdivisions,

*“...every effort should be made to connect each street with another so that dead ends will be minimized. Interconnected streets provide easier and safer access for fire engines, ambulances, school buses, and garbage trucks, while distributing traffic more evenly and helping to avoid conditions where certain residential streets become ‘collectors’ with everyone in the entire development funneling through them. In circumstances where cul-de-sacs are unavoidable (typically for topographic reasons), they should always be provided with pedestrian and bike linkages to other nearby streets or to a neighborhood trail system...”*

*Streets serving new developments should, whenever possible, be designed to connect with adjoining properties that are potentially developable in the future. Although many developers strongly resist such connections, preferring to market their houses as being in self-contained neighborhoods, the lack of connecting streets between developments ultimately frustrates normal travel between neighborhoods, forcing everyone back out onto the township’s or county’s principal road system to travel to their friends’ homes in adjacent subdivisions.”<sup>1</sup>*

For these reasons the Subdivision Ordinance specifies that street interconnections are the rule and not the exception. The burden of proof is on the applicant to demonstrate that a safety deficiency would occur as a result of the interconnection.

3. Most of the surrounding area is zoned R20 (Medium-density single-family residential) and is designated for Medium-Density Residential development in the Comprehensive Plan. Yorktown Elementary School, which, like most County-owned properties, is zoned RC (Resource Conservation), abuts the property on which

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<sup>1</sup> Randall G. Arendt, Conservation Design for Subdivisions, (Washington DC: Island Press, 1996) pp. 45-46

Edgehill Section 4 will be developed. Parcels fronting on Route 17 are zoned LB (Limited Business). There are an estimated 577 single-family detached homes in this area, including approximately 500 homes in Edgehill (excluding Section 4), 23 in Falcon Crest, 8 homes in Deer Trace (across Siege Lane from Falcon Crest), and 19 homes on Siege Lane. The potential for future development is extremely limited with only about 18 undeveloped infill lots and a few extra-large parcels that could potentially be subdivided into two lots each.

4. As part of the original Preliminary Plan submittal in 1996 the developer of Edgehill Section 4 submitted a traffic impact analysis (dated September 21, 1996) that supports the proposed interconnection. The study finds that the "Edgehill Lane connection to Runaway Lane will complete a planned York County street connection and potentially remove the existing Edgehill Lane residential traffic, east of Nelson District Road, from driving through other 20' streets to gain access to Route 17." While the study is over six years old, there does not appear to have been any significant change to the surrounding roadway network or traffic volumes that would alter the conclusions of that study. Approximately eight (8) homes in this area have been built since the traffic study was performed, and the only new commercial development in the vicinity is a 7-Eleven convenience store/gas station on the east side of Edgehill at the signalized intersection of York-Warwick Drive, Route 17, and Cook Road. Enrollment at Yorktown Elementary School has declined from 439 to 429 students since September 1996.
5. Runaway Lane is a curb-and-gutter street with a pavement width of 38' within a 50' right-of-way and is designed and constructed as a minor collector roadway. The new segment of Edgehill Lane will be built to the same standards. The new 38'-wide cross-section will taper into the existing 20'-wide Edgehill Lane through its temporary cul-de-sac with a properly designed roadway edge taper. The new segment of Edgehill Lane and existing Runaway Lane will be the widest streets in this entire residential area, where most of the streets are approximately 20'-22' in width, with up to 28' in some areas. The current traffic volume on Runaway Lane, as an access street with 23 lots, is estimated at 220 trips per day (9.57 trips per dwelling per weekday), based on the ITE (Institute of Transportation Engineers) Trip Generation manual (6<sup>th</sup> Edition); on Edgehill Lane north of Nelson District Road, the estimated traffic volume is 115 average daily trips. Staff estimates that Edgehill Section 4 will generate an additional 77 trips per day.
6. In its appeal of the street interconnection, the applicants have raised concerns about increased traffic, stating that the extension of Edgehill Lane to Runaway Lane will "create a thoroughfare for egress from the Edgehill community that will directly impact 35 single family homes between Nelson District Road at the south end to Siege Lane at the north end that have direct access to both sides of the roadway with significantly greater traffic than experienced with Edgehill Lane terminating in a cul-de-sac." Staff acknowledges that traffic will increase on both Edgehill Lane and Runaway Lane but does not believe the increases will be significant. In the AM peak hour some Edgehill residents headed toward Williamsburg via the Colonial Parkway, Yorktown, or the Middle Peninsula will realize a small time savings by using Edgehill

Lane/Runaway Lane to reach northbound Route 17, but the added convenience will be mitigated, somewhat by the fact that this would require crossing two lanes of heavy morning traffic on southbound Route 17. Edgehill Lane residents and some residents of Nelson District Road will likely use this route. The increase in traffic will be slightly greater in the PM peak hour since drivers returning home from the north are able to make an unrestricted right turn off of Route 17 at Siege Lane and avoid the signal at York-Warwick. It is important to note that the majority of vehicles that will use Edgehill Lane/Runaway Lane are currently using Siege Lane to access Route 17. Siege Lane has a pavement width of approximately 20' to 22' with open ditches on either side. Runaway Lane and the new segment of Edgehill Lane, with 38 feet of pavement, will be better able to safely accommodate this traffic. Moreover, it should also be noted that most employment, shopping, and activity centers are in the opposite direction. For example, Census data indicates that at least 85% to 90% of commuter traffic in the lower County is oriented to the south. Very few area residents beyond Edgehill Lane are likely to use Edgehill Lane/Runaway Lane to access Route 17 southbound; this maneuver will not enable them to avoid the traffic signal at York-Warwick Drive and will in fact be longer for most Edgehill Residents.

It should be noted that traffic between and among adjacent subdivisions is not considered "cut-through" traffic, which is traffic that occurs when someone takes a short cut through a residential area in which he or she does not live. Although Edgehill and Falcon Crest are different subdivisions, they are part of one residential area that also includes Deer Trace and the homes along Siege Lane. Traffic between and among these subdivisions is local traffic that belongs on local streets. This is why the Comprehensive Plan specifically states that "the interconnection of *subdivision street systems*" should be required "where such interconnection will not encourage 'cut-through' traffic *by people living outside the subdivisions*" (emphasis added). The only foreseeable "cut-through" scenario in this case would be if there were a traffic accident or other event causing severe congestion on Route 17 southbound north of the Cook Road intersection. In this scenario there would likely be vehicles turning off of Route 17 at Siege Lane to avoid the congested area and driving through Edgehill – and potentially Falcon Crest – in order to get back to Route 17 at Cook Road. That potential exists today via York-Warwick Drive; the only difference is that with the interconnection some of those vehicles would likely use Runaway Lane and Edgehill Lane (rather than York-Warwick Drive), which they cannot do now. This would be an exceptional occurrence, and under normal driving conditions there is little if any potential for "cut-through" traffic to occur as a result of the Edgehill Lane connection.

7. As noted earlier, street interconnections – and the elimination thereof – can affect the efficient transportation of public and other service delivery vehicles, including school buses, emergency vehicles, trash and recycling trucks, and snow plows but also mail and other delivery vehicles (UPS, Fed Ex, etc.). For example, fire and EMS personnel responding from the Yorktown Fire Station on Goosley Road to an emergency at the end of Edgehill Lane would have their route shortened by over half a mile (0.625 mile) as a result of the planned interconnection. They would also be taking a less circuitous route and traveling on wider streets better able to accommodate large vehicles. The alternative – an "emergency-only" access where fire and EMS

personnel responding to an emergency would be required to stop and exit the vehicle to remove the lock – is a poor substitute for a free and unrestricted roadway.

8. Runaway Lane and Edgehill Lane are both slightly over 1,000' in length (1,003' and 1,056' respectively). To eliminate the interconnection would be contrary to the Subdivision Ordinance requirement (set forth in Section 20.5-97) that cul-de-sac streets not exceed 600 feet in length. In fact, it is likely that the County would not have approved Falcon Crest in its current layout were it not for the expectation that Runaway Lane would eventually have a street connection to the adjacent property. In The Subdivision and Site Plan Handbook, David Listokin and Carole Walker note that it is common for local governments to establish maximum cul-de-sac length requirements, the purposes of which are "1) to minimize inconvenience and back-up time for service vehicles, such as delivery vehicles and garbage trucks; 2) to minimize the likelihood that a motorist drawn in by mistake will pull into a private driveway instead of using the turnaround at the end of the street; and 3) to control speeding."<sup>2</sup> Four to six hundred feet is a fairly common standard, although, they note "some relate maximum length to density or location, allowing longer maximum lengths in low-density development or rural areas." For example, the ITE's Recommended Guidelines for Subdivision Streets recommend a 700-foot maximum length but permits cul-de-sacs to be up to 1,000 feet long in low-density developments with a maximum volume of 200 average daily trips. In their Model Subdivision Regulations, Freilich and Levi recommend that cul-de-sac streets not exceed 500 feet in length and serve no more than 14 households.<sup>3</sup>
9. The opportunity to appeal the Subdivision Agent's decision to the Planning Commission dates back to October 6, 1994, when the Board approved a series of Subdivision Ordinance amendments related to street interconnections. Since then only two other appeals of this nature have come before the Commission, and there have been two similar requests that involved amendments to approved Planned Developments that would have had the effect of eliminating street connections. These are discussed below:
  - In 1995 the Commission approved a request to eliminate a proposed interconnection between Williamsburg Bluffs and Country Club Acres that would have required the crossing of an active stream within a steep ravine between the two developments. Environmental issues were a concern, as was the cost of constructing such a road and the possibility that requiring the interconnection could preclude the developer of Williamsburg Bluffs from completing the development as originally approved, including the planned recreational amenities. In addition, the Commission concluded that the interconnection could have an adverse safety impact on Tam-O-Shanter Boulevard in Country Club Acres.

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<sup>2</sup> David Listokin and Carole Walker, The Subdivision and Site Plan Handbook (New Brunswick, NJ: Rutgers, The State University of New Jersey, 1989) pp. 302-3

<sup>3</sup> Robert H. Freilich and Peter S. Levi, Model Subdivision Regulations: Text and Commentary (American Society of Planning Officials, 1975) p. 87.

- In 1996 the developer of the Coventry planned development requested to amend the approved master plan to eliminate the extension of Coventry Boulevard between Peachtree Lane/Lilburne Way in Coventry and Bridgewood Drive in Tabb Lakes. A major concern expressed by Coventry residents was that this road extension would invite high-speed nonresidential “cut-through” traffic for people seeking a short cut between Route 17 and Route 134. Other concerns involved pedestrian safety, safety of children at school and recreation sites, the potential for crime, and neighborhood character. Tabb Lakes residents, in contrast, generally supported the connection to improve their access to Route 17 and to prevent “cut-through” traffic on the part of Coventry residents. Patriot Village residents felt that extension of Coventry Boulevard from Owen Davis Boulevard to Big Bethel Road would alleviate problems with “cut-through” traffic but were willing to support the required extension of Coventry Boulevard, at least initially, without taking this somewhat drastic step. Issues raised by staff included the need for public service vehicle access and the fact that to waive the extension requirement would cause problems for surrounding developments that had been designed with the expectation that Coventry Boulevard would be completed. The Board denied the developer’s request, but at the same time it adopted a resolution addressing various transportation network issues associated with the completion of the road that had been raised by the Tabb Area Transportation Network Discussion Group.
  - In 1999 the Board of Supervisors amended the Subdivision Ordinance to allow for the elimination of required street interconnections when specifically precluded by an approved Planned Development. Several interconnections between Carver Gardens and the Williamsburg Bluffs Planned Development were subsequently eliminated through the approval of an amended master plan for the latter development. Topography and other environmental issues similar to those associated with the Williamsburg Bluffs/Country Club Acres interconnection were major factors in the approval of the plan amendments. In addition, the proposed amendments were generally viewed as an opportunity to ensure maximum flexibility in the design and approval of planned developments.
  - In 2002 the Commission affirmed the decision of the Subdivision Agent to deny a request on the part of the developer of Running Man to delete a required street interconnection (Messongo Run) between the Running Man and Wythe Creek Farms subdivisions. Residents of both subdivisions raised concerns about the potential for high-speed “cut-through” traffic; staff cited the efficient distribution of traffic, the need for school bus and emergency vehicle access, the lack of a demonstrated safety deficiency, and the need to keep local traffic between and among neighborhoods in the area on local streets as reasons not to eliminate the interconnection. In addition, Carys Chapel Road residents spoke in favor of the proposed interconnection at the public hearing, citing existing traffic congestion on Carys Chapel Road that they felt would be exacerbated by the elimination of the interconnection.
10. The applicant also has raised concerns about drainage, wetlands, developer costs, compatibility between Falcon Crest and Edgehill Section 4, and property values.

Although none of these is within the Commission's purview in considering whether or not to require the interconnection, staff offers the following responses for the Commission's information:

- The County's Stormwater Management Division has reviewed the Development Plan for Edgehill Section 4 to ensure compliance with all applicable regulations with regard to drainage. The subdivision as designed meets the requirements to keep the quality and quantity of the post-development stormwater discharges to below the pre-development rates. The design meets the quality and quantity requirements through the construction of a stormwater pond
- Wetlands are present on the site, but the amount to be disturbed is 4,312 square feet (0.099 acre); any land disturbance of wetlands less than one-tenth of an acre is covered under a Nationwide Permit and therefore does not require a separate permit from the Army Corps of Engineers.
- The County's responsibility is to ensure that the new subdivision is developed in accordance with the applicable zoning, subdivision, building, and other development regulations as set forth in the County Code. It has no authority to enforce private covenants, and no homeowners' association has the right to dictate architectural, maintenance, or any other standards in an adjacent subdivision that is not part of the association.
- Reducing developer costs – to the extent that the savings are passed on to the homebuyers – is a laudable objective, but not at the expense of the efficient movement of traffic.
- The perception that street interconnections reduce property values is common; however, it is not supported by evidence. A comparative analysis of land assessments in the area reveals that properties along Edgehill Lane do not have a higher value per acre than through-streets in Edgehill that are highly interconnected. There is also no evidence that lots abutting the platted right-of-way – either along Runaway Lane or on the temporary cul-de-sac at the end of Edgehill Lane – have a higher assessed value per acre than other lots along their respective streets.

11. Section 20.5-92(c)(6) of the Subdivision Ordinance states that the Commission “may impose reasonable conditions as a part of its decision” to affirm or overturn the decision of the Subdivision Agent. Section 20.5-92(c)(7) further states that the developer is required to provide an alternative means for bicycle and pedestrian access in close proximity to the otherwise required street whenever a waiver to the interconnection requirement is granted by either the Subdivision Agent or the Commission.



## **RECOMMENDATION**

The proposed street interconnection will ensure that traffic in this area is more evenly distributed throughout the area without causing or contributing to a safety deficiency, consistent with the longstanding goals of the Comprehensive Plan and the intent of the Subdivision Ordinance. The interconnection will cause some increase in traffic on Edgehill Lane and Runaway Lane while relieving traffic on Siege Lane, which is much narrower and less capable of safely accommodating high traffic volumes. It will also improve emergency and other public service and delivery vehicle access. Therefore, based on the considerations and conclusions as noted, staff recommends that the Commission deny the waiver request through the adoption of proposed Resolution No. PC03-10. Resolution No. PC03-11 is also attached should the Commission choose to approve the waiver. This resolution includes a condition requiring that in lieu of the roadway a bicycle/pedestrian pathway capable of accommodating emergency vehicles be provided.

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Attachments

- Zoning Map
- Vicinity Map
- Appeal Petition submitted by the Falcon Crest Homeowners' Association
- Letter from H. Swanson Grizzard to adjacent property owners dated January 24, 2003
- Proposed Resolution No. PC03-10 (Deny the waiver)
- Proposed Resolution No. PC03-11 (Approve the waiver)

Copy to: Matt Needy, President, Falcon Crest Homeowners Association